

3:30 P.M., Ohio County Community Center, Hartford, Ky

Meeting called to order by Judge Executive David Jones. Prayer by Magistrate Jason Bullock. Pledge to the American flag.

Those present were as follows:

David G. Jones	Judge Executive
Gregory B. Hill	County Attorney
Cheryl Morris	Fiscal Court Clerk
Hayward D. Minton	Magistrate District 1
Jason Bullock	Magistrate District 2
Richard Robinson	Magistrate District 3
Larry Keown	Magistrate District 4
Bill Burden	Magistrate District 5

Motion made by Esq. Burden that the Court approve the minutes of the previous meeting on August 12, 2008 as presented. (on file in Fiscal Court Order Book, Clerk’s office)

The motion was seconded by Esq. Robinson and after discussion of said motion the vote being called for was as follows:

Minton	Yes
Bullock	Yes
Robinson	Yes
Keown	Yes
Burden	Yes
Jones	Yes

And said motion was unanimously adopted, and it is so ordered.

Motion made by Judge Jones that the Court approve the bills, claims, payments and transfers as presented, with the exception of the Bluegrass Crossings Business Centre allocations totaling \$140,969.36 to the four participating counties and G.R.R.I.D.A. to be reconsidered at the September 23, 2008 meeting (copy on file, Clerk’s office).

The motion was seconded by Esq. Burden and after discussion of said motion the vote being called for was as follows:

Minton	Yes
Bullock	Yes
Robinson	Yes
Keown	Yes
Burden	Yes
Jones	Yes

And said motion was unanimously adopted, and it is so ordered.

Motion made by Judge Jones that the Court approve the Second Reading of Ordinance #2009-3: AN ORDINANCE 2009-3 ADOPTING AN ADMINISTRATIVE CODE: REPEALING ORDINANCE #2007-5 AN ADMINISTRATIVE CODE ADOPTED JANUARY 23, 2007 (copy on file in Ordinance Book, Clerk’s office)

The motion was seconded by Esq. Keown and after discussion of said motion the vote being called for was as follows:

Minton	Yes
Bullock	Yes
Robinson	Yes
Keown	Yes
Burden	Yes
Jones	Yes

And said motion was unanimously adopted, and it is so ordered.

Motion made by Judge Jones that the Court accept the Compensating Rates for Real Property and approve the First Reading of Ordinance #2009-4: AN ORDINANCE ADOPTING GENERAL AD VALOREM TAX RATES PER \$100 ASSESSED VALUATION ON ALL TAXABLE PROPERTY WITHIN THE JURISDICTION FOR OHIO COUNTY GENERAL FUND FOR CALENDAR YEAR 2008.

The motion was seconded by Esq. Burden and after discussion of said motion the vote being called for was as follows:

Minton	Yes
Bullock	Yes
Robinson	Yes
Keown	Yes
Burden	Yes
Jones	Yes

And said motion was unanimously adopted, and it is so ordered.

Motion made by Esq. Keown that the Court approve the taxable rate of 6.3 cents per \$100 of the assessed valuation for Motor Vehicle and Watercraft for 2009. The record will reflect no change from the previous rate established in 2008.

The motion was seconded by Esq. Burden and after discussion of said motion the vote being called for was as follows:

Minton Yes  
Bullock Yes  
Robinson Yes  
Keown Yes  
Burden Yes  
Jones Yes

And said motion was unanimously adopted, and it is so ordered.

Motion made by Judge Jones that the Court approve the following County Pay Scale, as presented with Addendum #1, for existing employees and employees hired on or after September 7, 2008. Any county employee whose current pay may be above the County Pay Scale will not be lowered and there will be no additional cost to the county’s budget to implement this pay scale.

PAYSCALE

	PART-TIME	FULL-TIME		
COUNTY DEPARTMENTS/JUDGE EXECUTIVE				
911 Supervisor		\$12.25		
911 Dispatchers	\$9.00	\$11.00		
Other Officers, Directors, Administrator				
Starting pay		\$13.00		
Clerks All Departments	\$8.75	\$10.75		
Others All Departments	\$8.75	\$10.75		
Road Supervisor		\$15.50		
Road Asst Supervisor		\$13.50		
Road Eq Operator		\$12.50		
Road Mechanic		\$13.00		
Road Seasonal/Operator		\$10.00		
COUNTY CLERK (Requested to be excluded from the county administrative code)				
JAIL / COUNTY JAILER				
Jail Deputy Jailer	\$9.75	\$10.25		
Jail Sergeant		\$11.25		
Jail Chief Deputy		\$13.75	K.L.E.F.T.	
SHERIFF / COUNTY SHERIFF				
Sheriff Deputy Day		\$11.50	\$1.49	\$12.99
Sheriff Sheriff Night		\$12.50	\$1.49	\$13.99
Sheriff Chief Deputy		\$17.13	\$1.49	\$18.62
Sheriff Tax Administrator		\$12.50		
Sheriff Clerks/Others		\$10.00		
Sheriff Baileiffs	\$10.00	\$11.50		

Excludes County Clerks Office  
County Clerk has requested to be excluded from the County Administrative Code

Sheriff Department pay scale set by County Sheriff Elvis Doolin  
County Jail pay scale set by County Jailer Rip Wright

Addendum #1

If applicable, county employees to receive a pay raise of \$0.25 cents per hour or if applicable, county employee’s pay to be adjusted up to the county set pay scale.

This raise will not require any additional funding to the current fiscal year budget.

Excluding: Elected officials; Deputy Judge Bob Cox (per Judge Executive David Jones); County Clerk’s Office (per County Clerk Bess Ralph); Contract Employees; Election Officers; Grant Employees; Resource Director.

The motion was seconded by Esq. Robinson and after discussion of said motion the vote being called for was as follows:

Minton Yes  
Bullock Yes  
Robinson Yes  
Keown Yes  
Burden Yes  
Jones Yes

And said motion was unanimously adopted, and it is so ordered.

Motion made by Esq. Robinson that the Court approve the following Petition to temporarily close a portion of C-056 Bluff Lane:

PETITION TO TEMPORARILY CLOSE COUNTY ROAD

Comes the Petitioner, Armstrong Coal Inc., by and through its Land Manager, Dennie Grider, and petitions the Ohio County Fiscal Court pursuant to the provisions of KRS 178.050 and KRS 178.070 to temporarily close a county road named “Bluff Lane” (County Road C-056). The distance and particulars of the closing are set forth herein and shown upon “Exhibit A” to this petition.

- 1. Bluff Lane shall be temporarily closed from its beginning, which starts at the end of state maintenance of KY Highway 69 South, and continues in a southwest direction for a distance of 15,860 feet to the low watermark of the Green River.
- 2. The Petitioner agrees to provide private alternative access to all landowners of property accessible by Bluff Lane.
- 3. The Petitioner agrees, upon reopening Bluff Lane, that the road will be re-built in accordance with the standards set forth in Ordinance #2004-4 being of same or better condition than when temporarily closed.

The reason and justification for the requested temporary closing of the road is that the Petitioner will be engaging in the removal of bituminous coal within a close proximity of the road and without the closing, the Petitioner’s mining plan would have to be substantially altered. The temporary closing will not cause any inconvenience, as temporary access will be provided to all landowners of property accessible by Bluff Lane.

This Petition will be presented to the Ohio County Fiscal Court at its next regular meeting to be held on September 2, 2008.

sig/Dennie Grider  
DENNIE GRIDER  
ARMSTRONG COAL, INC.

STATE OF KENTUCKY  
COUNTY OF OHIO

The foregoing Petition was acknowledged, subscribed and sworn before me by Dennie Grider for and on behalf of Armstrong Coal, Inc. this 2<sup>nd</sup> day of September 2008.

sig/Cheryl Morris  
NOTARY PUBLIC  
My commission expires: 1-02-2011

The motion was seconded by Esq. Burden and after discussion of said motion the vote being called for was as follows:

Minton	Yes
Bullock	Yes
Robinson	Yes
Keown	Yes
Burden	Yes
Jones	Yes

And said motion was unanimously adopted, and it is so ordered.

Motion made by Judge Jones that the Court approve the following Fiscal Court Order appointing viewers for the temporary closing of C-56 Bluff Lane:

OHIO COUNTY FISCAL COURT ORDER

A Petition having been filed by Armstrong Coal, Inc. to temporarily close “Bluff Lane” (County Road C-056) as set forth in the Petition.

Pursuant to the provisions of KRS 178.070, the Court directs the Ohio County Judge Executive to do the following:

- 1) The Judge Executive shall cause to be published a Notice as required by law and the placement of the Notice at three prominent and visible public places, each within one mile of the road.
- 2) The Fiscal Court hereby appoints Jeff Stenberg and Hillard Farris as two viewers who along with the Ohio County Road Foreman shall view and inspect the portion of the road requested to be temporarily closed and after the required Notice and publication, report to the Fiscal Court in writing at a public hearing to be held at the hour of 3:30 p.m. on Tuesday, October 14, 2008, what inconvenience, if any, would result from the temporary closing of Bluff Lane so requested.

A vote of the Fiscal Court was taken as follows:

VOTE:	YES	NO
Minton	<u>X</u>	___
Bullock	<u>X</u>	___
Robinson	<u>X</u>	___
Keown	<u>X</u>	___
Burden	<u>X</u>	___
Jones	<u>X</u>	___

This the 2<sup>nd</sup> day of September 2008.

\_\_\_\_\_  
David G. Jones  
Ohio County Judge Executive

The motion was seconded by Esq. Robinson and after discussion of said motion the vote being called for was as follows:

Minton	Yes
Bullock	Yes
Robinson	Yes
Keown	Yes
Burden	Yes
Jones	Yes

And said motion was unanimously adopted, and it is so ordered.

Motion made by Esq. Robinson that the Court approve the following petition to temporarily close a portion of C-057 Turkey Run Lane:

**PETITION TO TEMPORARILY CLOSE COUNTY ROAD**

Comes the Petitioner, Armstrong Coal Inc., by and through its Land Manager, Dennie Grider, and petitions the Ohio County Fiscal Court pursuant to the provisions of KRS 178.050 and KRS 178.070 to temporarily close a county road named “Turkey Run Lane” (County Road C-057). The distance and particulars of the closing are set forth herein and shown upon “Exhibit A” to this petition.

- 1. Turkey Run Lane shall be temporarily closed from its beginning, which starts at the intersection with Bluff Lane (C-056) and continues in a southerly direction for a distance of 7,071 feet.**
- 2. The Petitioner agrees to provide private alternative access to all landowners of property accessible by Turkey Run Lane.**
- 3. The Petitioner agrees, upon reopening Turkey Run Lane, that the road will be re-built in accordance with the standards set forth in Ordinance #2004-4 being of same or better condition than when temporarily closed.**

The reason and justification for the requested temporary closing of the road is that the Petitioner will be engaging in the removal of bituminous coal within a close proximity of the road and without the closing, the Petitioner’s mining plan would have to be substantially altered. The temporary closing will not cause any inconvenience, as temporary access will be provided to all landowners of property accessible by Turkey Run Lane.

This Petition will be presented to the Ohio County Fiscal Court at its next regular meeting to be held on September 2, 2008.

\_\_\_\_\_  
sig/Dennie Grider  
DENNIE GRIDER  
ARMSTRONG COAL, INC.

STATE OF KENTUCKY  
COUNTY OF OHIO

The foregoing Petition was acknowledged, subscribed and sworn before me by Dennie Grider for and on behalf of Armstrong Coal, Inc. this 2nd day of September 2008.

\_\_\_\_\_  
sig/Cheryl Morris  
NOTARY PUBLIC  
My commission expires: 1-02-2011

The motion was seconded by Esq. Burden and after discussion of said motion the vote being called for was as follows:

Minton	Yes
Bullock	Yes
Robinson	Yes
Keown	Yes
Burden	Yes
Jones	Yes

And said motion was unanimously adopted, and it is so ordered.

Motion made by Judge Jones that the Court approve the following Fiscal Court Order appointing viewers for the temporary closing of C-057 Turkey Run Lane:

OHIO COUNTY FISCAL COURT ORDER

A Petition having been filed by Armstrong Coal, Inc. to temporarily close “Turkey Run Lane” (County Road C-057) as set forth in the Petition.

Pursuant to the provisions of KRS 178.070, the Court directs the Ohio County Judge Executive to do the following:

- 1) The Judge Executive shall cause to be published a Notice as required by law and the placement of the Notice at three prominent and visible public places, each within one mile of the road.
- 2) The Fiscal Court hereby appoints Jeff Stenberg and Hillard Farris as two viewers who along with the Ohio County Road Foreman shall view and inspect the portion of the road requested to be temporarily closed and after the required Notice and publication, report to the Fiscal Court in writing at a public hearing to be held at the hour of 3:30 p.m. on Tuesday, October 14, 2008, what inconvenience, if any, would result from the temporary closing of Turkey Run Lane so requested.

A vote of the Fiscal Court was taken as follows:

VOTE:	YES	NO
Minton	<u>  X  </u>	<u>      </u>
Bullock	<u>  X  </u>	<u>      </u>
Robinson	<u>  X  </u>	<u>      </u>
Keown	<u>  X  </u>	<u>      </u>
Burden	<u>  X  </u>	<u>      </u>
Jones	<u>  X  </u>	<u>      </u>

This the 2<sup>nd</sup> day of September 2008.

\_\_\_\_\_  
David G. Jones  
Ohio County Judge Executive

The motion was seconded by Esq. Keown and after discussion of said motion the vote being called for was as follows:

Minton	Yes
Bullock	Yes
Robinson	Yes
Keown	Yes
Burden	Yes
Jones	Yes

And said motion was unanimously adopted, and it is so ordered.

Motion made by Judge Jones that the Court approve to authorize Ohio County Animal Control Officer Josh Wright to contact Dr. Valorie Smith in Glasgow regarding the Mobile Spay/Neuter Unit coming to Ohio County.

The motion was seconded by Esq. Burden and after discussion of said motion the vote being called for was as follows:

Minton	Yes
Bullock	Yes
Robinson	Yes
Keown	Yes
Burden	Yes
Jones	Yes

And said motion was unanimously adopted, and it is so ordered.

Motion made by Esq. Robinson that the Court approve to go into Closed Session to discuss personnel issues. Personnel issues will be discussed which entails private and personal information which justifies and requires a Closed Session discussion. No other business will be discussed during the Closed Session and no official action shall be taken or consensus made by the Court. The legal authority that allows us to go into closed session is KRS 61.810(1)(f) which authorizes the Fiscal Court to discussions or hearings which might lead to the appointment, discipline, or dismissal of an individual employee, member, or student without restricting that employee’s, member’s or student’s right to a public hearing if requested. This exception shall not be interpreted to permit discussion of general personnel matters in secret. The legal reason we are going into closed session is for discussion of personnel issues.

The motion was seconded by Esq. Keown and after discussion of said motion the vote being called for was as follows:

Minton	Yes
Bullock	Yes
Robinson	Yes
Keown	Yes
Burden	Yes
Jones	Yes

And said motion was unanimously adopted, and it is so ordered.

Motion made by Esq. Minton that the Court approve to go back into Open Session. No other business was discussed or action taken during Closed Session except what was stated by me before going into Closed Session regarding personnel issues. There was no consensus made by the Court regarding personnel issues.

The motion was seconded by Esq. Burden and after discussion of said motion the vote being called for was as follows:

Minton	Yes
Bullock	Yes
Robinson	Yes
Keown	Yes
Burden	Yes
Jones	Yes

And said motion was unanimously adopted, and it is so ordered.

The record will reflect that Judge Executive David Jones became ill at this time and had to leave the meeting. The Judge relinquished the Chair to Magistrate Richard Robinson for the remainder of the meeting.

Motion made by Esq. Minton that the Court approve to participate in the Audubon Area Community Services Foster Grandparent program at the cost of \$750 for FY 2009.

The motion was seconded by Esq. Bullock and after discussion of said motion the vote being called for was as follows:

Minton	Yes
Bullock	Yes
Robinson	Yes
Keown	Yes
Burden	Yes
Jones	Absent

And said motion was unanimously adopted, and it is so ordered.

Motion made Esq. Robinson that the Court approve to rescind the motion from the Fiscal Court meeting on July 22, 2008 regarding requiring MOA’s signed by each City Mayor and/or Fire Chief in order to receive quarterly payments from the Fiscal Court; contingent upon the Mayors of Beaver Dam, Hartford and Centertown providing a certified, notarized letter agreeing to allow their Fire Department to provide county-wide mutual aid outside their respective Fire Department’s “first out” district for FY 2009; if *all* three Mayors do not provide a letter, then the original motion requiring a signed MOA will remain in effect.

The motion was seconded by Esq. Keown and after discussion of said motion the vote being called for was as follows:

Minton	Yes
Bullock	Yes
Robinson	Yes
Keown	Yes
Burden	Yes
Jones	Absent

And said motion was unanimously adopted, and it is so ordered.

Motion made by Esq. Keown that the Court approve to issue FY ’09 quarterly payments from the Fiscal Court for the Fire Departments to the Fire Association contingent upon receiving a letter signed by *all* nine Fire Chiefs stating their approval that payments be remitted to the Fire Association; if any one Fire Chief fails to sign the letter, then the payments will be made to each individual Fire Department during FY ’09 only.

The motion was seconded by Esq. Robinson and after discussion of said motion the vote being called for was as follows:

Minton	Yes
Bullock	Yes
Robinson	Yes
Keown	Yes
Burden	Yes
Jones	Absent

And said motion was unanimously adopted, and it is so ordered.

Motion made by Esq. Bullock that the Court approve to add approximately 2,700 feet of Stanley Lane to the prioritization list for a water line extension at an approximate cost of \$17,140.

The motion was seconded by Esq. Robinson and after discussion of said motion the vote being called for was as follows:

Minton	Yes
Bullock	Yes
Robinson	Yes
Keown	Yes
Burden	Yes
Jones	Absent

And said motion was unanimously adopted, and it is so ordered.

REGULAR

2

SEPTEMBER 2008

Motion made by Esq. Minton that the meeting is adjourned.

The motion was seconded by Esq. Robinson and after discussion of said motion the vote being called for was as follows:

Minton	Yes
Bullock	Yes
Robinson	Yes
Keown	Yes
Burden	Yes
Jones	Absent

And said motion was unanimously adopted, and it is so ordered.

Meeting is adjourned.

\_\_\_\_\_  
David Jones, Judge Executive

\_\_\_\_\_  
Cheryl Morris, Fiscal Court Clerk